

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

|                             |   |                      |
|-----------------------------|---|----------------------|
| HUGHETTE CRUMPLER,          | ) | CASE NO. C-1-02-131  |
|                             | ) |                      |
| Plaintiff,                  | ) | JUDGE SUSAN J. DLOTT |
|                             | ) |                      |
| vs.                         | ) |                      |
|                             | ) |                      |
| TELXON CORPORATION, et al., | ) |                      |
|                             | ) |                      |
| Defendants/Third-Party      | ) |                      |
| Plaintiffs,                 | ) |                      |
|                             | ) |                      |
| vs.                         | ) |                      |
|                             | ) |                      |
| JOHN W. PAXTON, SR.,        | ) |                      |
|                             | ) |                      |
| Third-Party Defendant.      | ) |                      |

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**TELXON CORPORATION AND SYMBOL TECHNOLOGIES, INC.'S  
MOTION TO STRIKE AND MOTION FOR SANCTIONS**

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Plaintiff Hughette Crumpler ("Crumpler") and Third-Party Defendant John W. Paxton, Sr. ("Paxton") have violated an order by Federal Judge David. D. Dowd, Jr. of the Northern District of Ohio, Eastern Division, that placed under seal a "proposed" summary judgment order that Crumpler nonetheless improperly referenced and attached to her Reply Memorandum in Support of her Motion for Summary Judgment. That action by Crumpler and Paxton requires this Court's immediate attention, as it makes public (and improperly uses) a sealed Federal Court document.

Symbol Technologies, Inc. ("Symbol") and Telxon Corporation ("Telxon") therefore respectfully move this Court to strike Crumpler's "Exhibit B" filed publicly in violation of Judge

Dowd's order (and all references to "Exhibit B" in Crumpler's Reply Memorandum) and to sanction Paxton and Crumpler for their intentional violation of Judge Dowd's seal order.

Respectfully submitted,

OF COUNSEL:

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**Attorneys for Defendants/Third-Party  
Plaintiffs**

**CERTIFICATE OF SERVICE**

I hereby certify that on October 10, 2003, a copy of the Telxon Corporation and Symbol Technologies, Inc. Motion to Strike and Motion for Sanctions was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Steven J. Miller  
STEVEN J. MILLER (0014293)